



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 11952 OF 2012 IN FAST/9898/2012
WITH CIVIL APPLICATION NO. 11953 OF 2012 IN FAST/9898/2012

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
RAWAN SATWAJI KAMBLE

...
AND

CIVIL APPLICATION NO. 11966 OF 2012 IN FAST/10001/2012
WITH CIVIL APPLICATION NO. 11967 OF 2012 IN FAST/10001/2012

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
FULAJI KISAN KABLE AND OTHERS

...
AND

CIVIL APPLICATION NO. 11968 OF 2012 IN FAST/9998/2012
WITH CIVIL APPLICATION NO. 11969 OF 2012 IN FAST/9998/2012

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
RAMCHANDRA MANIK MEKALE AND OTHERS

...
AND

FIRST APPEAL NO.49 OF 2018

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
MALHARI GIRJAPPA WADKAR

...
Mr. S. B. Jadhav, AGP for Applicants/Appellants in all matters
...

CORAM : KISHORE C. SANT, J.

DATE : 07-07-2025

PER COURT:-

Not on board. Taken on board as connected civil application

No.11952 of 2012 in FAST/9898/2012 is on board.

ORDER IN CIVIL APPLICATIONS FOR DELAY:

For the reasons stated in the applications, delay stands condoned. The civil applications are allowed and disposed of. First appeals be registered.

ORDER IN FIRST APPEALS:

1. All these appeals are filed by the State challenging the common judgment and award passed by the learned Civil Judge Senior Division, Ahmedpur, District Latur, in respective proceeding bearing Land Acquisition Reference Nos. 498, 502, 504 and 508 of 2002, dated 22.04.2008.

2. The lands of respondent-claimants came to be acquired for Urdhav Manar Medium Project. Notification under Section 4 of the Land Acquisition Act, 1894 (for short, "L.A.Act") came to be issued on 09.02.1999 and published in Government Gazette on 12.11.1998. The Special Land Acquisition Officer (SLAO) passed an award on 20.04.2001. The SLAO awarded compensation @ Rs.60/- per square meter for the acquired property plot/open space. The respondents/claimants are the owners of the acquired houses and open plots of the village Sangavi, Taluka Ahmedpur, District Latur.

3. Being dissatisfied by the award of inadequate compensation, the claimants filed references under Section 18 of the L.A.Act. The learned Reference Court awarded compensation @ Rs.180/- per

square meter for the acquired properties.

4. Learned A.P.P. vehemently argued that the learned Reference Court has failed to appreciate that there was no material produced by the claimants to show that the compensation awarded by the SLAO was inadequate. In fact, the SLAO while determining the compensation amount had taken into consideration prevailing market rate. The said market rate was decided by taking into consideration the rate prevailing in the village for house properties. It is also considered life of construction of the house, quality of the construction, etc. Necessary evidence was placed before the Reference Court by the appellants. However, the same is not considered. He, thus, submits that the judgment and award impugned deserves to be quashed and set aside.

5. On going through the impugned judgment and award, this Court finds that the learned Reference Court considered that near the village, the facilities are available like, higher education, D.Ed and B.Ed. college in the vicinity of 9 kms. The village is connected with electricity and water supply. There is a sugar factory only at 3 kms. distance. In 1995, the plot was fetching amount of Rs.500/- per square meter. It is considered that the State has put-forth the case that the inspection was properly done by the authorities. The joint measurement of the acquired plots was taken. The market value of the acquired property was determined as per the DSR

(District Schedule Rates). The claimants had examined one Engineer, namely, Mr. Nandkumar S. Pokalwar (Valuer of the acquired properties). However, the evidence was accepted that it was not proved by examining any witness by the respondents/present appellants. The Court has further considered the sale instances dated 06.11.1996 at Exhibits-31 and 32, which show that the plot admeasuring 40x50 was sold for consideration of Rs.2,80,000/- and another plot admeasuring 40x40 was sold for consideration of Rs.2,00,000/-. It is, on this, the learned Reference Court appreciated the evidence and passed the award.

6. This Court does not find any illegality or perversity in the award impugned. The Reference Court has rightly taken into consideration the evidence of sale instances. Nothing is pointed out that the sale instances were wrongly relied by the Court. It is also seen that the notification under Section 4 of the L.A.Act was issued on 09.02.1999. The sale instances dated 06.11.1996 were of the period earlier than that. Nothing is shown that the said sale instances are of the period after issuance of the notification under Section 4 of the L.A.Act or within one year prior to the date of issuance of notification.

7. Learned A.G.P. has also fairly placed on record a copy of the order passed in National Lok Adalat held on 30.04.2023, wherein some other first appeals arising out of acquisition proceedings

were settled. The SLAO has placed on record a copy of the order passed in First Appeal No.1082 of 2016 and other connected matters, dated 30.04.2023.

8. Considering the above aspects, this Court finds that no case is made out calling for an interference in the impugned judgment and award. Therefore, the impugned judgment and award is confirmed.

9. The first appeals stand dismissed.

10. Pending civil applications, if any, stand disposed of.

11. No order as to costs.

12. The appellants shall be entitled for refund of the court fees, as per law.

[KISHORE C. SANT]
JUDGE

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